

Application Number: 10/531,324  
Amendment Dated: August 18, 2010  
Reply to Office Action of: February 18, 2010

### **REMARKS**

No claims are added and claim 23 is canceled. Claims 16, 18 and 20 are amended. Claims 1-22 are currently pending.

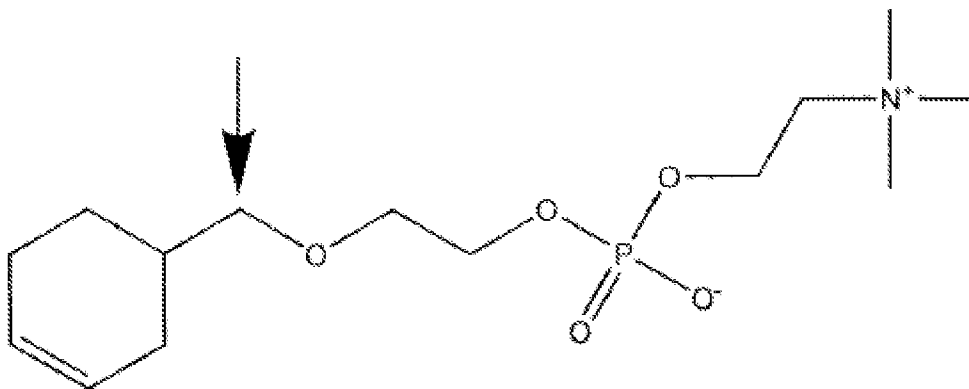
#### Indefiniteness

The Office Action rejects claims 16, 18 and 20 under 35 U.S.C. 112 as indefinite for various reasons enumerated on pages 2 of the Office Action. Applicant amends the subject claims by incorporating the Examiner's suggestions and respectfully requests withdrawal of the rejections.

#### Anticipation - Freeman

The rejection of claims 1, 2, 4-15, 17, 19 and 21 under 35 U.S.C. 102(b) as anticipated by WO 98/55533 to Freeman is maintained in the Office Action. Specifically, the Office Action notes that compounds disclosed in Examples 1 and 2 on pages 12-15 anticipate compounds that fall within the scope of these claims. Applicant respectfully traverses.

Each of the compounds disclosed in Examples 1 and 2 has an ether chain with a methylene group positioned between a cyclic group and an oxygen atom. For example, below is the structural formula of the compound identified as 3-cyclohexen-1-methoxyethyl-2'-(trimethylammonium ethyl)phosphate in Example 1 (Methylene group identified with arrow):



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In contrast to the Freeman compounds, no compound recited in the claims has a methylene group separating a cyclic structure and an oxygen atom in that position. Consequently, the claims are not anticipated by Freeman and Applicant respectfully requests withdrawal of the rejection.

#### Anticipation – Fong

The Office Action also rejects claims 1, 4-15, 17, 19 and 21 as anticipated by a non-patent reference to Fong et al. Applicant respectfully traverses.

Fong discloses a variety of phospholipids. However, Fong fails to teach, disclose or suggest compounds having a cyclic, bicyclic or tricyclic ring system in the Y position, as is clearly required by the pending claims. Consequently, Fong can not anticipate claims 1, 4-15, 17, 19 and 21. Applicant respectfully requests withdrawal of the rejection.

#### Conclusion

The herein amendment having placed the pending claims in condition for allowance, Applicant respectfully requests withdrawal of the rejections and issuance of a Notice of Allowance including claims 1-22. The Examiner is requested to telephone Applicant's undersigned counsel at 860-527-9211 if it is believed that a telephone conference will expedite prosecution.

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Applicant includes an electronic payment for a three month extension of time. The Commissioner is authorized and requested to charge any deficiency to USPTO deposit account number 16-2563.

Respectfully Submitted,

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